

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON NATURAL RESOURCES

**Call to Order:** Chair Gordon R. Hendrick, on March 21, 2011 at 3:00 PM, in Room 472  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Gordon R. Hendrick, Chair (R)  
Rep. Brian Hoven, Vice Chair (R)  
Rep. Dick Barrett (D)  
Rep. Gerald (Jerry) Bennett (R)  
Rep. Virginia Court (D)  
Rep. Alan Hale (R)  
Rep. Cleve J. Loney (R)  
Rep. Mike Miller (R)  
Rep. Kathleen Williams (D)

**Members Excused:** Rep. Pat Connell (R)  
Rep. Kelly Flynn (R)  
Rep. Bill Harris (R)  
Rep. Wendy Warburton (R)

**Members Absent:** Rep. Betsy Hands, Vice Chair (D)  
Rep. Michele Reinhart (D)

**Staff Present:** Lauren Head, Committee Secretary  
Joe Kolman, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 267, 3/16/2011; SB 356, 3/16/2011; SB 367, 3/16/2011

Executive Action on: SB 35, SB 9, SB 327, SB 87, SB 286, SB 292

00:01:53 Rep. Reinhart joined the meeting.  
00:02:53 Rep. Connell joined the meeting.  
00:03:50 Rep. Harris joined the meeting.  
00:03:55 Rep. Hands joined the meeting.

**EXECUTIVE ACTION ON SB 35**

00:04:04 **Motion:** Rep. Hoven moved that **SB 35 BE CONCURRED IN.**

**Discussion:**

00:04:53 Joe Kolman, Legislative Services Division (LSD)  
00:05:21 Rep. Flynn joined the meeting.  
00:05:54 Rep. Barrett  
00:06:12 Mr. Kolman  
00:08:06 Rep. Reinhart

00:10:20 **Vote:** Motion carried 10-5 by roll call vote with Rep. Barrett, Rep. Court, Rep. Hands, Rep. Reinhart and Rep. Williams voting no. Rep. Warburton voted by proxy. Rep. Barrett will carry the bill.

**EXECUTIVE ACTION ON SB 9**

00:11:11 **Motion:** Rep. Hoven moved that **SB 9 BE CONCURRED IN.**

**Discussion:**

00:11:39 Mr. Kolman  
00:12:21 **Vote:** Motion carried unanimously by roll call vote. Rep. Warburton voted by proxy.

**HEARING ON SB 267**

**Opening Statement by Sponsor:**

00:13:37 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 267, Revise laws related to total maximum daily load development.

**Proponents' Testimony:**

00:20:49 Mark Bostrom, Department Chief, Water Quality Planning Bureau, Department of Environmental Quality (DEQ)

**EXHIBIT(nah63a01)**

00:25:23 John Youngberg, Montana Farm Bureau Federation (MFBF), STAG  
00:27:29 Patrick Heffernan, Montana Wood Products Association (MWPA)  
00:28:27 Jeff Tiberi, Executive Director, Montana Association of Conservation Districts (MACD)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:29:08 Rep. Williams  
00:30:03 Mr. Bostrom  
00:30:40 Rep. Williams

**Closing by Sponsor:**

00:30:54 Sen. Vincent

**HEARING ON SB 367**

**Opening Statement by Sponsor:**

00:31:36 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 367, Establish nutrient standards variances.

**Proponents' Testimony:**

00:34:10 George Mathieus, DEQ  
00:38:28 John Rundquist, Montana Leagues of Cities and Towns (MLCT)  
00:39:19 Dave Galt, Executive Director, Montana Petroleum Association (MPA)  
00:40:10 Rep. Hands left the meeting.  
00:42:18 Doug Parker, self  
00:42:36 Rep. Hands rejoined the meeting.  
00:43:55 Jeff Tiberi, MACD  
00:44:12 Tammy Johnson, Montana Mining Association (MMA)  
00:44:48 Alec Hansen, Montana League of Cities and Towns (MLCT)  
00:46:23 Jessie Luther, Burlington Northern Santa Fe (BNSF)  
00:46:58 Don Allen, Western Environmental Trade Association (WETA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:49:17 Rep. Hands  
00:49:45 Mr. Mathieus  
00:50:48 Rep. Hale left the meeting.  
00:51:16 Rep. Williams  
00:51:38 Mr. Mathieus  
00:53:40 Rep. Williams  
00:53:52 Mr. Mathieus  
00:53:54 Rep. Hale rejoined the meeting.

00:54:02 Vice Chair Hoven  
 00:54:25 Mr. Mathieus  
 00:54:39 Vice Chair Hoven  
 00:54:51 Mr. Mathieus  
 00:55:41 Chairman Hendrick  
 00:56:00 Mr. Rundquist  
 00:56:12 Chairman Hendrick  
 00:56:40 Mr. Rundquist  
 00:57:56 Rep. Hands  
 00:58:15 Mr. Hansen

**Closing by Sponsor:**

00:59:17 Sen. Vincent

**HEARING ON SB 297**

**Opening Statement by Sponsor:**

01:01:08 Sen. Jeff Essmann (R), SD 28, opened the hearing on SB 297, Provide a separate process for coal beneficiation.

**Proponents' Testimony:**

01:03:22 Rich Southwick, VP, Great Northern Project Development, Great Northern Properties (GNP)

**EXHIBIT(nah63a02)**

01:07:57 Rep. Bennett left the meeting.  
 01:12:19 Leo Berry, Attorney  
 01:13:12 Rep. Bennett rejoined the meeting.  
 01:15:05 Don Allen, WETA

**Opponents' Testimony:**

01:16:14 Clayton Elliott, Northern Plains Resource Council (NPRC)  
 01:20:16 Anne Hedges, Montana Environmental Information Center (MEIC)

**EXHIBIT(nah63a03)**

01:24:16 Ross Proseri, Montana Conservation Voters

**Informational Testimony:**

01:24:46 Ed Coleman, DEQ

**Questions from Committee Members and Responses:**

01:25:14 Rep. Loney  
 01:25:29 Sen. Essmann  
 01:26:04 Rep. Loney  
 01:26:22 Sen. Essmann

01:26:55 Rep. Hands  
01:27:28 Mr. Coleman  
01:28:04 Rep. Hands  
01:28:25 Mr. Coleman  
01:28:51 Rep. Hands  
01:28:55 Mr. Coleman  
01:29:06 Rep. Hands  
01:29:39 Mr. Coleman  
01:30:31 Rep. Flynn  
01:30:57 Mr. Southwick  
01:31:22 Rep. Flynn  
01:31:25 Rep. Hands left the meeting.  
01:31:26 Rep. Miller left the meeting.  
01:31:33 Mr. Southwick  
01:32:05 Vice Chair Hoven  
01:32:26 Mr. Southwick  
01:32:54 Rep. Williams  
01:33:47 Mr. Kolman  
01:33:53 Rep. Williams  
01:34:01 Mr. Coleman  
01:34:09 Rep. Williams  
01:34:49 Mr. Coleman  
01:35:00 Sen. Essmann  
01:36:05 Rep. Hands rejoined the meeting.  
01:36:07 Rep. Williams  
01:37:00 Mr. Coleman  
01:37:34 Rep. Williams  
01:37:41 Rep. Barrett  
01:37:52 Rep. Miller rejoined the meeting.  
01:38:24 Mr. Coleman  
01:38:29 Rep. Barrett  
01:38:57 Mr. Coleman  
01:39:07 Mr. Berry  
01:40:02 Rep. Flynn left the meeting.  
01:40:48 Rep. Barrett  
01:41:15 Mr. Berry  
01:41:23 Rep. Reinhart  
01:42:00 Mr. Berry  
01:42:11 Rep. Reinhart  
01:42:31 Mr. Berry  
01:42:56 Rep. Reinhart  
01:43:18 Mr. Berry  
01:43:32 Rep. Reinhart  
01:43:37 Mr. Berry  
01:43:47 Rep. Reinhart  
01:43:56 Mr. Berry  
01:44:12 Rep. Reinhart  
01:44:47 Mr. Coleman  
01:45:05 Rep. Reinhart  
01:45:32 Mr. Coleman

01:46:02 Rep. Reinhart  
 01:46:07 Mr. Coleman  
 01:46:34 Rep. Hands  
 01:47:01 Rep. Flynn rejoined the meeting.  
 01:48:00 Mr. Coleman  
 01:48:14 Rep. Hands

**Closing by Sponsor:**

01:48:45 Sen. Essmann

**HEARING ON SB 356**

**Opening Statement by Sponsor:**

01:52:09 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 356, Clarifying definition of good cause for water right objections.

**Proponents' Testimony:**

01:56:27 Abigail St. Lawrence, Montana Association of Realtors (MAR)  
 02:00:50 Holly Franz, PPL Montana  
 02:03:29 Jim Hagenbarth, self  
 02:05:19 Rep. Hale left the meeting.  
 02:06:56 Dave Schmidt, Water Rights Solutions Inc.  
 02:07:47 Krista Lee Evans, Association of Gallatin Agricultural Irrigators (AGAI), Senior Water Rights Coalition (SWRC)  
 02:08:45 Mike Murphy, Montana Water Resources Association (MWRA), Montana Farm Bureau Federation (MFBF)  
 02:09:45 Jay Bodner, Montana Stockgrowers Association (MSGA)

**Opponents' Testimony:**

02:10:31 Mark Aagnes, Montana Trout Unlimited (MTU)  
 02:13:39 Bob Lane, Chief Legal Council, Fish, Wildlife, and Parks (FWP)  
 02:19:39 Rep. Warburton left the meeting.

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:22:34 Rep. Miller  
 02:23:06 Mr. Lane  
 02:24:04 Rep. Miller  
 02:24:22 Mr. Lane  
 02:25:12 Rep. Miller  
 02:25:21 Mr. Lane  
 02:26:01 Rep. Flynn  
 02:26:17 Rep. Loney left the meeting.

02:26:36 Ms. Franz  
02:27:28 Rep. Flynn  
02:27:58 Ms. Franz  
02:28:52 Rep. Flynn  
02:29:03 Rep. Loney rejoined the meeting.  
02:29:25 Ms. Franz  
02:30:44 Rep. Barrett  
02:31:31 Ms. Franz  
02:32:42 Rep. Barrett  
02:33:00 Ms. Franz  
02:33:34 Rep. Harris  
02:34:26 Rep. Miller left the meeting.  
02:34:53 Mr. Lane  
02:35:44 Rep. Harris  
02:36:24 Mr. Lane  
02:37:46 Rep. Reinhart  
02:38:05 Mr. Aagnes  
02:39:04 Rep. Reinhart  
02:39:25 Mr. Aagnes  
02:39:45 Rep. Reinhart  
02:39:54 Mr. Aagnes  
02:40:21 Rep. Reinhart  
02:40:41 Mr. Lane  
02:41:21 Rep. Warburton rejoined the meeting.  
02:42:19 Rep. Reinhart  
02:42:28 Mr. Lane  
02:43:33 Vice Chair Hoven  
02:43:46 Rep. Miller rejoined the meeting.  
02:43:59 Mr. Lane  
02:44:41 Vice Chair Hoven  
02:44:52 Mr. Lane  
02:45:37 Rep. Flynn  
02:46:03 Ms. St. Lawrence  
02:46:12 Rep. Flynn  
02:46:31 Ms. St. Lawrence  
02:47:20 Rep. Williams  
02:47:40 Ms. Franz  
02:47:43 Rep. Williams  
02:48:01 Ms. Franz  
02:48:08 Rep. Williams  
02:48:50 Ms. Franz  
02:49:50 Rep. Williams  
02:49:57 Ms. Franz  
02:50:12 Rep. Williams  
02:50:39 Ms. Franz  
02:51:22 Rep. Miller  
02:51:47 Mr. Lane

**EXHIBIT**(nah63a04)

**Closing by Sponsor:**

02:53:24 Sen. Hamlett

**EXECUTIVE ACTION ON SB 87**

02:59:47 **Motion:** Rep. Hoven moved that **SB 87 BE CONCURRED IN.**

**Discussion:**

02:59:59 Mr. Kolman

03:00:26 Rep. Miller

03:01:05 **Vote:** Motion carried unanimously by voice vote. Rep. Williams will carry the bill.

**EXECUTIVE ACTION ON SB 327**

03:01:29 **Motion:** Rep. Hoven moved that **SB 327 BE CONCURRED IN.**

**Discussion:**

03:01:48 Mr. Kolman

03:02:16 Rep. Williams

03:02:55 **Motion:** Rep. K. Williams moved that **SB 327 BE AMENDED.**

[EXHIBIT](#)(nah63a05)

**Discussion:**

03:03:13 Rep. Williams

03:04:27 Rep. Connell

03:04:58 **Vote:** Voice vote was inconclusive.

03:05:40 **Vote:** Motion carried 10-5 by roll call vote with Rep. Connell, Rep. Hale, Rep. Harris, Rep. Hendrick and Rep. Warburton voting no.

03:06:27 **Motion:** Rep. Hoven moved that **SB 327 BE CONCURRED IN AS AMENDED.**

**Discussion:**

03:06:46 Rep. Connell

03:08:59 Rep. Barrett

03:09:44 Rep. Harris

03:11:05 **Vote:** Motion carried 12-3 by roll call vote with Rep. Connell, Rep. Hendrick and Rep. Warburton voting no. Rep. Di. Barrett will carry the bill.



**EXECUTIVE ACTION ON SB 286**

03:12:40     **Motion:** Rep. Hoven moved that **SB 286 BE CONCURRED IN.**

**Discussion:**

03:12:55     Mr. Kolman

03:13:43     Rep. Barrett

03:13:59     Mr. Kolman

03:15:20     Rep. Hands

03:16:17     **Vote:** Motion carried unanimously by voice vote. Rep. Berry will carry the bill.

**EXECUTIVE ACTION ON SB 292**

03:16:35     **Motion:** Rep. Hoven moved that **SB 292 BE CONCURRED IN.**

**Discussion:**

03:16:48     Mr. Kolman

03:17:27     Rep. Reinhart

03:18:12     Chairman Hendrick

03:18:47     Rep. Reinhart

03:18:52     Rep. Barrett

03:19:10     Rep. Hale

03:19:26     Rep. Miller

03:19:48     Rep. Loney

03:20:03     Rep. Court

03:20:53     Rep. Harris

03:21:38     Rep. Bennett

03:22:01     Rep. Williams

03:23:19     Rep. Loney

03:23:36     Rep. Miller

03:24:19     Rep. Williams

03:24:32     Rep. Court left the meeting.

03:24:56     Mr. Kolman

03:25:55     Rep. Connell

03:27:11     Rep. Williams

03:27:37     **Vote:** Motion carried 10-5 by roll call vote with Rep. Barrett, Rep. Court, Rep. Hands, Rep. Reinhart and Rep. Williams voting no. Rep. Court voted by proxy. Rep. Hoven will carry this bill.

**ADJOURNMENT**

03:30:00      Adjournment

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Lauren Head, Secretary

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Additional Documents:

**EXHIBIT([nah63aad.pdf](#))**